

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

October 27, 2016

TELEPHONE MEETING

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director

Mark Fagergren, Education and Licensing Director

Kadee Wright, Chief Investigator

Justin Barney, Hearing Officer

Elizabeth Harris, Assistant Attorney General

Eric Stott, Real Estate Analyst

Amber Nielsen, Board Secretary

Kendelle Christiansen, Appraisal Licensing and Education

Craig Livingston, Investigator

BOARD MEMBERS PRESENT:

Kristin Coleman-Nicholl, Chair

John E. Ulibarri, II, Vice Chair

Jim Bringhurst, Board Member

Jeffrey T. Morley, Board Member

PUBLIC MEMBERS:

Vern Meyer

The October 27, 2016 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Coleman-Nicholl conducting. Board Member Morley was absent at the start of the meeting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes from the August 24, 2016 meeting and the September 28, 2016 meeting as written. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Bringhurst, yes. The motion carries.

Public Comment Period – Vern Meyer reported on an issue which came up at the Appraisal Qualifications Board meeting regarding the shortage of appraisers and the offering of alternative training and experience tracks. He noted the practicum course was not working since it was too expensive for the universities. At the AQB meeting there was a discussion for a course developed by the state. Mr. Meyer outlined a possible format for an alternate experience track. Mr. Meyer asked if an alternative program were developed by appraisers for the training of appraisers which was accepted by the AQB, then would the Division and Board support such a course. Chair Coleman-Nicholl thanked Mr. Meyer for his preparation and asked that Mr. Meyer send some written information to the Division so the Division and Board could review his proposal in more depth.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the Division has finalized a draft of the Division Bill and it has been sent to the Office of Legislative Research. The intent is to have the bill heard at an interim meeting in November or possibly December.

Director Stewart announced there is a new Chief Investigator with the Division. Kadee Wright is the new Chief Investigator. She has been with the Division for three years and is a licensed principal broker.

Director Stewart announced Eric Stott has been hired into the new Division position of Real Estate Analyst. He will be drafting stipulations and handling most licensing hearings before the Commissions and Board.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in September the Division received 2 complaints; opened 0 new cases; closed 1 cases; leaving 40 appraisal cases open with the Division. There are a total of 18 cases are now with the AG's office.

Vice Chair Ulibarri had a question regarding the complaint process and notification regarding the status of the complaint. Director Stewart stated this topic is being discussed by Director Stewart and Ms. Wright. Typically, when a complaint is turned into the Division, the respondent will be notified when a work file is requested. If the case is closed with action, the respondent is notified by the action. When a case is closed without action, the respondent will be notified in the future. Board Member Morley feels that makes sense especially since an appraiser is required to disclose any open investigations.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren the Instructor Development Workshop was completed yesterday. Mr. Fagergren stated the workshop was successful. Eric Storey gave an outstanding class on water law. Mr. Storey also presented on how individuals learn and how instructors can better teach students by understanding how we retain information. Mr. Fagergren summarized some of the information Mr. Storey presented.

Mr. Fagergren reported on the AQB meeting. At the meeting the AQB was the most open and receptive to input he had ever seen. Mr. Fagergren stated he would be open to considering alternative approaches, but it would need to be done right and have outstanding cooperation among the Division, the Board, the AQB, and the industry. Chair Coleman-Nicholl asked if any ideas other than the alternative track for experience were discussed at the meeting. Mr. Meyer stated the practicum course was discussed, particularly how it wasn't working. Mr. Meyer stated REVAA was presenting an argument for why they should be able to train appraisers. Mr. Fagergren stated the AQB seems open to hearing about anything that is viable and practical. Mr. Fagergren stated the AQB is very concerned about the shortages and that there have been some brief mentions of possible congressional oversight. Mr. Fagergren discussed the increase in the education requirement and the subsequent proposals to reduce the education requirement.

Mr. Fagergren reported the Appraisal Foundation developed four corrective courses. The four courses are Residential Report Writing vs Form Filling; Scope of Work: Appraisals and Inspections; Certifications: What Am I Signing and Why; and Appraiser Self Protection: Documentation and Record Keeping. The courses, which would not be for continuing education credit, are corrective and not meant to be punitive. The courses are currently available. The Board would be able to require an appraiser takes these courses as part of a hearing. Board Member Morley asked why these courses would not be available for continuing education credit. Mr. Fagergren was not positive; but they may not want everyone to attend the remedial course.

Mr. Fagergren discussed the early submission of applications which was discussed at last month's meeting. Mr. Fagergren stated that given the changes which might be forthcoming, he would prefer to wait on changing the policy until the changes have come through or not.

Mr. Fagergren presented the lists for review.

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:

Jacob Cuthbert, LA Candidate

Brady Kelsey, LA Candidate

Daniel Roger Kennard, CG Candidate

Cody Jack Larsen, LA Candidate

HEARING OFFICER REPORT – Justin Barney

Mr. Barney stated there were no licensing stipulations for review.

BOARD AND INDUSTRY ISSUES

Mr. Barney presented on the rule update regarding the proposal presented by AMC Rules Committee regarding Panels and Assignments. The draft language was updated from the previous meeting's proposal which disclosed information regarding tiered panels and the consideration of business days. Chair Coleman-Nicholl mentioned that updated proposal was submitted to the committee and the committee agreed to the proposal. Director Stewart presented on this proposal at IDW and an appraiser approached him asking about the use of the term business days since the term is not defined in the AMC statute or rule. Director Stewart advised that if it is not defined, a definition will need to be added. A motion was made to authorize the filing of the proposed rule amendment with the change which would define business day. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes. The motion passes with concurrence of Director Stewart.

Mr. Fagergren asked the Board to consider if they would approve changes if the AQB reduced the requirements. Chair Coleman-Nicholl is inclined to say she would approve the changes but would need to see them prior to making her decision. Mr. Fagergren stated that no decision would need to be made today but ultimately that is something the Board will need to decide.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. A motion was made to adjourn the meeting. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 9:51 a.m. to 9:55 a.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:

Jacob Cuthbert, LA Candidate – Approved

Brady Kelsey, LA Candidate – Approved

Daniel Roger Kennard, CG Candidate – Approved
Cody Jack Larsen, LA Candidate – Approved

A motion was made to adjourn the meeting. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes. The motion passes. The meeting adjourned at approximately 9:56 a.m.